

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BRUCE JOHNSON, EDWARD	)	
McCARTHY, WILLIAM RINN III, and	)	
DOUGLAS WILSON,	)	Case No.: 08-cv-3164
	)	
Plaintiffs	)	Hon. Robert M. Dow, Jr.
	)	Presiding Magistrate Judge Schenkier
v.	)	
	)	
RICHARD J. LEWIS III	)	
	)	
Defendant.	)	

**PLAINTIFFS' MOTION FOR ENTRY OF  
DEFAULT PURSUANT TO FED. R. CIV. P. 55(a)**

Plaintiffs Bruce Johnson, Edward McCarthy, William Rinn III, and Douglas Wilson (collectively, the “Plaintiffs”) by and through their attorneys, Loeb & Loeb LLP, hereby move the Court for the entry of default against Defendant Richard J. Lewis III (“Defendant”).

1. On June 2, 2008, Plaintiffs filed their Complaint against Richard J. Lewis III (“Defendant”) asserting a single count for breach of contract arising from Defendant’s failure to pay a promissory note dated July 18, 2005, that Defendant signed in favor of the Plaintiffs.
2. On July 16, 2008, Plaintiffs caused Defendant to be served a copy of the Complaint and Summons. (*See* Return of Service (Docket # 11).)
3. On August 4, 2008, Plaintiffs filed the Return of Service in which Eric Lee Roybal attests that he personally served a copy of the Complaint and Summons on Defendant on July 16, 2008.
4. Accordingly, under the Federal Rules of Civil Procedure, Defendant had until August 5, 2008 to plead or otherwise defend against the Complaint.

5. As of the filing of Plaintiffs' Motion, more than two weeks after the deadline to answer, Defendant has failed to file an Answer or assert any basis that would obviate the need to file an Answer. Indeed, Defendant has taken no action in the case, and has not even filed an appearance.

**WHEREFORE**, Plaintiffs respectfully request the Court to direct the Clerk to enter a default against Defendant Richard J. Lewis III pursuant to Fed. R. of Civ. P. 55(a), and grant Plaintiffs such further relief as the Court deems just and proper.

Dated: August 22, 2008

Respectfully submitted,

BRUCE JOHNSON, EDWARD MCCARTHY,  
WILLIAM RINN, III, AND DOUGLAS WILSON

By: s/ Blair R. Zanzig

One of Their Attorneys

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*Counsel for Plaintiffs Bruce Johnson, Edward McCarthy, William Rinn III, and Douglas Wilson.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of August 2008, a copy of the foregoing **Plaintiffs'** **Motion for Entry of Default Pursuant to Fed. R. Civ. P. 55(a)** was served on Defendant via first class, United States mail, postage prepaid at the following addresses:

Mr. Richard J. Lewis III  
4400 Fair Oaks Blvd.  
Sacramento, CA 95864-5334

Mr. Richard J. Lewis III  
900 Steven Oaks Lane  
Sacramento, CA 95864

s/ Blair R. Zanzig \_\_\_\_\_

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